

ROHTAK CIRCLE

Notification

The 11th April, 1980

No. S. E. Rohtak Circle, P.W.D. B&R Branch, Rohtak/28RA/4/593.—Whereas it appears to the Governor of Haryana that land is likely to be required by the Government, at the public expense, for a public purpose, namely, Constg. road from Kiroli to Pehladpur road in Rohtak District, it is hereby notified that land in the locality described in the specification below is required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested in the above land who has any objection to the acquisition of any land and in the locality may within thirty days after the date of publication of this notification file an objection in writing before the Land Acquisition Collector, Haryana Public Works Department, Buildings and Roads Branch, Ambala Cantt.

SPECIFICATION

District	Tehsil	Locality/ Village	H. B. No.	Area in acres	Khasra No.
Rohtak	Bahadurgarh	Pai	20	7.07	* 14
					$\frac{21}{1}, \frac{21}{2}, \frac{22}{1}, \frac{22}{2}, 23$
					15
					$\frac{3}{1}, \frac{3}{2}, 4, 6, 7, 14, 15, 16$
					22
					$2, 3, \frac{4}{1}, \frac{4}{2}, 5, \frac{6}{1}, \frac{7}{2}, \frac{7}{1}, 26$
					23
					$1, 2, 3, 4, 5, 6, 7, 8, \frac{9}{1}, 10$
					35
					$1, 2, 3, 6, 7, 8, 9, 10, 14, 15, 4, 5$
					54
					$9, 10, 11, 11, 12, 13, 16, 17, 18, 19, 20$
					54
					$23, 24$

District	Tehsil	Locality/ Village	H. B. No.	Area in acres	Khasra No.
Rohtak	Bahadurgarh	Pai— concld.	20— concld.	7.07— concld.	
				19 16 16 16 17 17 — 3 — 1 — 2 — 7 — 1 — 2 55	
				18, $\frac{19}{2}$, $\frac{20}{1}$, 21, 22, 23, 16, $\frac{19}{1}$, $\frac{20}{1}$	
				20, $\frac{24}{2}$, $\frac{25}{1}$, $\frac{25}{2}$, $\frac{56}{21}$, $\frac{21}{1}$, $\frac{21}{2}$	
				58	
				10, 11, 19, 20, 21, 22, 1, 2, 8, 9, 12, 13, 18, 23,	
				63	
				1, 2, $\frac{10}{70}$, 80, 81	
Rohtak	Bahadurgarh	Pehlajpur	15	6.87	8
				3, 8, 13, $\frac{18}{1}$, $\frac{18}{2}$, 23	$\frac{23}{5}$
				11	
				$\frac{1}{1}$, $\frac{1}{2}$, 2, 3, 8, 13; 9, 10	
				48	
				21, 22, $\frac{23}{1}$, $\frac{24}{1}$, $\frac{24}{2}$, 25	
				49	
				18, 11, 12, 19, $\frac{20}{1}$, $\frac{20}{2}$, $\frac{22}{1}$, $\frac{22}{2}$, $\frac{23}{1}$, $\frac{23}{2}$, $\frac{24}{1}$	
				$\frac{24}{2}$, 25	
				8	
				9, 10, 11, 12, $\frac{19}{1}$, $\frac{19}{2}$, 20, $\frac{21}{1}$, $\frac{21}{2}$, $\frac{22}{1}$	
				22 — 2 —	

District	Tehsil	Locality/ Village	H. B. No.	Area in acres	Khasra No.
Rohtak	Bahadurgarh	Pehiadpur	15 —concld.	6.78 —concld.	50
					17, 11, 12, 13, $\frac{14}{1}$, $\frac{14}{2}$, 15, $\frac{16}{1}$, $\frac{16}{2}$
					51
					6, 15, 1, 2, 3, 4, 5, 6, 15, 7, 8
					54
					2, 3, 4, 5, 1, $\frac{6}{1}$, $\frac{6}{2}$, $\frac{7}{1}$, $\frac{7}{2}$, 8, 9, 10, 11
					56
					12, 13, 14, 15, 6, 7, 8, 9, 10, 11, 12, 13,
					57
					14, 15, 10, 11
					88, 96, 196, 197, 198, 199, 200, 201, 204, 215, 242, 98
Do	Do	Kiroli	16	1.90	3
					4
					13, 13, 3, 8, 13, 18, 23
					1, 2
					15
					3, 6, 7, 8, 14, 15
					5, 7, 8, 9, 10, 11, 12, 27, 29, 80, 22, 38
Do	Do	Sohti	14	4.41	53
					6, 7, 8, 9, 10, 11, 12, 13, 14, 15
					56
					6, 7, 8, 9, 10, 11, 12, 13, 14, 15
					63
					6, 7, 8, 9, 10, 11, 12, 13, 14, 15
					64
					6, 7, 8, 9, 10, 11, 12, 13, 14, 15
					71
					10, 11, 18, 19, 20, 68, 83, 82
Total:				20.25	

The 24th April, 1980

No. S. E. Rohtak Circle/P.W.D. B&R Branch, Rohtak/28RA/4/596.—Whereas it appears to the Governor of Haryana that land is likely to be required by the Government, at public expense, for a public purpose, namely, "Constructing road from Behror to Dhillanwas (Section Kachroli to Dhillanwas), it is hereby notified that the land in the locality described in the specification below is required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition of any land and in the locality, may within thirty days after the date of publication of this notification, file an objection in writing before the Land Acquisition Collector, Haryana Public Works Department, Buildings and Roads Branch, Ambala Cant.

SPECIFICATIONS

District	Tehsil	Locality/ Village	Hadbast No.	Area in Acres	Khasra No.
Rohat	Jhajjar	Kachroli	51	0.453	38 23, 24, 25
					45
					4/1, 4/2, 7/1, 7/2, 14/1, 14/2, 17, 18, 23, 24
					48
					3, 4, 7, 8, 13, 14, 17, 18, 23/1, 23/2
					45 24, 3, 4, 7, 8, 13, 14, 17/1, 17/2
					55 24, 1, 2
					55 18 24, 1, 2
Do	Do	Sehlanga	52	4.191	3 16, 23/2, 24
					9
					3, 4/1, 4/2, 7, 8/1, 8/2, 13, 14, 17/1, 17/2, 18/1, 18/2, 23, 24
					15
					3, 4, 7, 8, 13, 14, 17, 18/1, 18/2, 23, 24
					23 3, 4, 7, 8, 13, 14, 17, 18, 23, 24
					30 3, 4, 7, 8, 13, 14, 17/1, 17/2, 18/1, 23/1, 23/2, 24/1, 24/2, 24/3, 24/4
					40 1

District	Tehsil	Locality/ Village	Hadbast No.	Area in Acres	Khasra No.
Rohtak	Jhajjar	Schlanga— <i>concl</i>	52— <i>concl</i>	4.191— <i>concl</i>	41 5, 6, 25/1, 25/2
					48 7/1, 7/2, 12/1, 12/2, 13, 14, 20/1, 20/2, 19/1, 19/2, 15, 16, 25/1, 25/2
					62 4, 5, 7, 8, 12/1, 12/2, 13, 20
					63 15, 16, 24, 25
					66 4, 5, 6, 7, 14/1, 14/2, 17, 18, 23/1, 23/2, 24
					86 4, 5, 6, 7, 14/1, 14/2, 17, 18, 23/1, 23/2, 24
Rohtak	Jhajjar	Dhillanwas	50	0.636	3 22, 23/1, 23/2
					6 2, 3, 8, 9, 12/1, 12/2, 19/1, 19/2, 21, 22
					10 1, 2, 9, 10/1, 10/2
		Total ..		5.280	

IRRIGATION AND POWER DEPARTMENT

The 25th April, 1980

No. 6190.—Whereas it appears to the Governor of Haryana that the land specified below is needed by the Government, for a public purpose, namely, for Extension of Mali Seman Link Channel from existing Tail R.D. 33050 to proposed Tail R.D. 36050 in village Seman of Tehsil Rohtak in district Rohtak.

It is hereby notified that land in the locality described in the specification below is needed for the above purpose.

The notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for information of all to whom it may be concerned.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the officers/officials of the Irrigation Department with their servants and workmen for the time being engaged in the undertaking, to enter upon and survey the land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may, within a period of thirty days of the publication of this notification in the official Gazette, file an objection, if any, in writing before the Land Acquisition Collector, Public Works Department (Irrigation Branch), Rohtak.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Irrigation Branch, Rohtak and Executive Engineer, Jind Division, Western Jamuna Canal, Jind.

SPECIFICATION

District	Tehsil	Village	Area in acres	Hadbast No.	Direction
Rohtak	Rohtak	Seman	3.03	115	A strip of land 3,000 feet in length and 44 feet width generally lying in the direction from north-west to south-east as demarcated at site and as shown on the index plan passing through the field numbers as under :—
				74	75
				21	24, 25
					5
					101
					102
					1, 2, 9, 10, 12, 14, 16, 17, 18, 24 and 25
					103
					21
					115
					1, 2, 8, 9, 13, 14, 15, 16 and 17

By order of the Governor of Haryana,

(Sd.) . . . ,

Superintending Engineer,
W. J. C. West Circle, Rohtak.

LABOUR DEPARTMENT

The 7th March, 1980.

No. 11(112)-3Lab.-80/4137.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Porrits and Spencer (Asia) Ltd., Sector-24, Faridabad. BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 560 of 1978

between

SHRI RAM SINGH, WORKMAN AND THE MANAGEMENT OF M/S. PORRITS AND SPENCER (ASIA) LTD., SECTOR-24, FARIDABAD.

Present:—

Shri M. S. S. Cowshish, for the workman.

R. C. Sharma, for the management.

AWARD

1. By order No. ID/52330, dated 23rd November, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Porrits and Spencer (Asia) Ltd., Sector-24, Faridabad and its workman Shri Ram Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties.

The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 25th July, 1979:—

- (1) Whether the termination of services of the workman was justified and in order ?
- (2) Whether the workman is gainfully employed elsewhere ?

And the case was fixed for the evidence of the management. The management examined S/Shri M. L. Vaid, Security Officer, as MW-1, Sardar Ajit Singh, Watchman, as MW-2 and Udes Kumar Sachdeva, Time Keeper as MW-3 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments have been heard. I now give my findings issueswise:—

ISSUE No. 1:

All the witnesses for the management stated that some wheat was cultivated on the land situated within the premises of their factory by one Shri Jas Lal at the rate of half share of produce. The half share of the management was made over to the workman concerned who was Chowkidar. That was kept in scrap Godown. The Godown was closed. The key was with the workman, who was a watchman. That Godown had two gates one bolted from the inside and the other was locked from outside. The management ordered to distribute the produce in bags of ten KG of wheat. So the workman was ordered to do that. Whatever quantum of wheat went out of the factory, that had gone by gate passes Ex. M-3 to Ex. M-22. On 5th June, 1978, he ordered the workman to bring those wheat bags. The wheat was distributed. He again ordered the workman to bring 8 bags of wheat weighing 20 KG of each bag and two bags of grams weighing 3 KG, each was brought. The workman then reported ten bags of wheat weighing KG missing. He reported to Shri N. K. Narula, who ordered him to enquire. He then enquired from other watchman also. And he went inside the Godown also. He found many bags there in addition to 10 bags missing. The bolt

of the shutter was lying on the ground inside. The duty of the workman on 2nd June, 1978 was from 3-00 P.M. to 11-00 P.M. He was on over time. He left the factory on 10th June, 1978 at 6-30 P.M. On 10th June, 1978 at 7-50 P.M. he knew that the workman has located 10 empty bags near the boundary wall of the factory. He then went to the factory, who met the workman in the factory and Shri U. K. Sachdeva. The workman told him the place where the empty bags were lying. He saw the bags there just close to the wall. The wall is about $6\frac{1}{2}$ feet in height and is at a distance of about 600 yards from the building. He also proved a site-plan in which all the relevant places have been shown. That is all the evidence found in the statements of all the witnesses for the management. The management also have placed on the file a copy of the Certified Standing Orders and Ex. W-1. Ex. M-3 to M-22 are gate passes. Ex. M-23 is a copy of attendance register. Ex. M-1 is the site-plan. Ex. MW-4/6 is the letter of the management to the workman. Ex. MW-4/5 is letter of the management to the workman. Ex. MW-4/4, Ex. MW-4/2 are the letters of the management to the workman. Ex. MW-4/3 is a letter of the workman to the management. Ex. MW-2/1 is addressed to Labour Relation Manager of the management by some 8 persons. Ex. MW-3/1 is a letter from one Shri Udes Kumar Sachdeva to the Labour Relation Manager of the management and similar is Ex. MW-4/7 to the said officer of the management by Shri M. L. Vaid, Assistant Security Officer. Ex. MW-4/1 is appointment letter containing terms and conditions of service on which the workman was appointed. I have gone through the evidence very carefully. The proved facts from the statements of the witnesses for the management are that 10 bags of wheat were found missing from a Godown, key of which was with the workman and the workman reported the management after some time, that ten empty bags were lying near the boundary wall. And on the basis of this the management lost confidence in the workman, the workman being a chowkidar. There are several chowkidars in this factory and Assistant Security Officer and Security Officer. The management held no enquiry against the workman. Hence

it cannot be said that they themselves had found some proof or evidence on the basis whereof, they, as a reasonable man, could lose the confidence in the workman. Non-holding of domestic enquiry did not matter much as the management led evidence before me to prove their case on merits. But the evidence before me is only that which I have described above. The parties argued at length on two dates. They cited several rulings. The representative for the management cited 1973 Lab. I. C., page 1119 S.C. 1971 II, LLJ, page 615, S.C. 1975 I LLJ page 266 S.C., 1972 I LLJ, page 501 S.C., AIR 1978 page 363, 1970 Lab. I.C., page 1288, 1970 II LLJ page 596 S.C.

3. The representative for the workman cited 1971 I LLJ page 262, 1970 II LLJ page 596. The learned representative for the management argued that in that ruling the Hon'ble the Supreme Court had held that a salesman is not a workman. In this case the workman is a watchman. The representative for the management argued that a watchman does not fall under the definition of a workman given in the Industrial Disputes Act. I do not agree with his contention. In 1970 Lab. I.C. 1288, as per the Hon'ble the Mysore High Court, the learned representative for the management argued that, the said Hon'ble the High Court has held on a combined construction of definition of the workman as given in the Factories Act and in the Industrial Disputes Act. But he admitted that, whenever there is a difference between the definition given in the Factories Act and in the Industrial Disputes Act, the definition given in the Industrial Disputes Act should prevail. In Industrial Disputes, I hold that the definition as given in the Industrial Disputes Act should prevail. Although this point was not taken up earlier by the management, but the learned representative for the management argued that it is a jurisdictional point and it can be argued at any time. I, agree that a point which goes to the root of the jurisdiction can be raised for the first time at any stage. Therefore, I considered this argument of the learned representative for the management. But after considering the same I hold that the watchman is a workman, as

per the Industrial Disputes Act. There is no dispute with the law as pronounced by the Hon'ble the Supreme Court in the above-cited rulings. If there are reasons on which a reasonable man can lose confidence in his workman, and if there is any evidence or any basis whereupon loss of confidence can be inferred. It should be inferred. There should be circumstances even by which a man can reasonably lose confidence. But there should be some reasons, not only imagination or flimsy consideration. Action based on fancy cannot be viewed by law as reasonable acts. The whole evidence of the management is such on which I cannot conclude that a reasonable man can lose confidence. There is nothing in the evidence by which a man, who considers a bit, can lose confidence. The ground put forward by the management for loss of confidence appear to me as a fancy after consideration and giving thought to that ground. I, therefore, decide issue number 1 against the management.

ISSUE NO. 2:

There is not an iota of evidence on issue No. 2, nor it has been argued by the representative for the management. I, decide issue number 2 also against the management.

4. As a result of my finding on the issues, while answering the reference, I give my award that the termination of services of the workman Shri Ram Singh was neither justified nor in order. He is entitled to reinstatement with continuity of service and with full back wages. I order accordingly.

Dated the 22nd February, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 191, dated 4th March, 1980.

Forwarded; (four copies), to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.